

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

4 JESSE VINDIOLA,) CIVIL NO. 1:22-cv-01451-GSA
5 Plaintiff,)
6 v.) **STIPULATION TO VOLUNTARY**
7 KILOLO KIJAKAZI,) **REMAND PURSUANT TO SENTENCE**
Commissioner of Social Security,) **FOUR OF 42 U.S.C. § 405(g) AND TO**
8 Defendant.) **ENTRY OF JUDGMENT; ORDER**
9)
10)

11 IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Kilolo
12 Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned
13 counsel of record, that the above-entitled action shall be remanded to the Commissioner of
14 Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. §
15 405(g).

16 Upon remand, the Appeals Council will remand the case to an Administrative Law
17 Judge (ALJ) for a new decision, and instruct the ALJ to re-evaluate the evidence of record. The
18 parties further request that the Court direct the Clerk of the Court to enter a final judgment in
19 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

20 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
21 Social Security Act, 42 U.S.C. 405(g).
22

23 Dated: April 28, 2023

/s/ Francesco Paulo Benavides
FRANCESCO PAULO BENAVIDES
Attorney for Plaintiff
*Authorized via e-mail on April 28, 2023

26 Dated: April 26, 2023

PHILLIP A. TALBERT
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Social Security Administration

By: /s/ Scott Elliott
SCOTT ELLIOTT
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Based on the above stipulation, it is **ORDERED** that this action is remanded to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. 405(g).

The Clerk of Court is **DIRECTED** to enter judgment in favor of Plaintiff and against Defendant, reversing the final decision of the Commissioner of Social Security.

IT IS SO ORDERED.

Dated: May 1, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE